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ing a scarcity of coin in the country, was the original cause of all the misfortunes which have arisen, and may arise, to the country, from the ruinous system of carrying to extremes a mischievous paper-currency, on which flimsy foundation stands the prosperity, nay the safety of the whole nation.

Before I conclude, however, I cannot help making a remark upon the equitable plan he has suggested for enabling the bank to pay their notes in guineas; he says, "It cannot be expected that the government of the bank would purchase bullion at £60 the pound weight, and issue it out in guineas at £46 14s. 6d.; but when the Parliament shall have thought proper to make frequent revisions of the state of the coin, and assign to guineas the same or greater value per weight, as commerce shall from time to time have given to bullion; then may the bank safely and wisely resume its payment in gold." Now, Sir, what does this amount to? Your contemporary, in his anxiety to get the bank rid of this difficulty, proposes to the government to rob the creditors of the bank of one half of their demands upon it—for where is the difference? If I lend a banker money, and allow him to keep it a long time, say 20 years in his possession; that in the course of that 20 years he has conducted his business in such a manner, that when I demand my money, say 1000 guineas; No, says he, I can't give you a 1000 guineas of the weight they were when I borrowed them from you; but if you please, I'll give you 1000 of my own notes; and if that does not please you, I'll cut 200 guineas in two, and tell them out in toto to you. Were this the plan to be pursued by government, how would the governor and company of the bank themselves feel? They are largely the creditors of the government; they hold large properties in the public funds. Now if the government found a difficulty in paying the interest, and the above doctrine once established, what had they to do but to mulct the bank of the moiety of the interest; and in place of three per cent. pay them one and a half per cent. It is hard to say, however, what may be the result.

I am, Sir,

Yours, &c.

COLUMBUS.

BELFAST MAG. NO. LXIII.

REPORT OF A TRIAL OF AN ACTION, ROBERT TENNENT AGAINST EDWARD MAY.

In this country, all who are alive to the constitutional administration of the law, were interested in the trial of Robert Tennent at the Quarter Sessions at Antrim, in last October. A full, impartial, and uncontradicted account of that trial was given in the Belfast Magazine for that month, at page 312 of our Xlth Volume, to which we again request the attention of our readers. It comes within our knowledge to assert, that our report of the trial produced a strong sensation in distant places, where the parties were altogether unknown, from the struggle of constitutional and unconstitutional considerations manifested on that trial, which greatly increased the importance of the subject, and gave to it an interest among the friends of freedom.

A public meeting of the inhabitants of Belfast was held to consider of an outrage, by which the streets had been stained with blood. A farther object was in view, to express disapprobation of the system of Orangemen, who by their irritating processions, and their continual insults at fairs and markets, and on public and private occasions, against a numerous class of their neighbours, necessarily endanger the public peace, and by committing the first aggressions, are the prime movers in the riots which have so frequently succeeded. The object of the meeting was highly praiseworthy, and essentially peaceable. But the sovereign of the town belonged to the faction, and a confederacy was formed to defeat the purposes of the meeting. The occasion for disturbance which was not found, was soon made, and Robert Tennent's laying his hand gently on the Rev. Edward May's arm was construed into an assault.

Robert Tennent conscious of having committed no intentional assault, and desirous of bringing the merits of the case once more before the public, on constitutional grounds, commenced an action for damages against the Rev. Edward May, for the violent manner in which he had been arrested. This action came to be tried at the late assizes for the County of Antrim, at Carrickfergus, before Baron McClelland, and the following special jury:

John Cromie,	Alex. Davidson,
Samuel Allen,	Wm. M'Noy,

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Hugh Lyle. Adam Hunter,
Thos. Morris Jones, Jas. Agnew Farrell,
Alex. Henry, John Kennedy,
Robert Gage, Robert Fulton.

Counsellor Holmes stated the case on behalf of the Plaintiff, Robert Tennent.—

This is an action to recover compensation in damages for unlawful imprisonment of plaintiff's person. Damages laid at £5000. It is probable the Jury have heard much of this case, but they should divest their minds of all previous impressions, and decide impartially. The defendant, a Magistrate, had been guilty of an unjustifiable outrage. There was no action of which the law took more special cognizance than that of a false imprisonment; if he was not misinformed, the defendant has wantonly abused his authority as a Magistrate. Mr. Holmes, then proceeded to state the circumstances of the case, which took place on the 18th of August, 1815, in the town of Belfast, and traced its original cause to the parade of Orangemen on the 12th of July preceding. He observed, that if the Orange associations were lawful, he must say that they should be subject to the controul and regulations of the law. The event which was commemorated by them, was one in which we all ought to rejoice, as productive of the most glorious results to this country; but he feared that the commemoration was in some cases degenerated into party hostility,* and on that day, two men, had unhappily lost their lives, through that

* Whatever might have been the intention with which the 1st and 12th of July were formerly celebrated, and how much in patriotic days, they might have been considered as the triumph of liberty over despotism, the case is now most materially changed. Orangemen are decidedly enemies to civil, as well as religious liberty. They substitute an interested, selfish, mis-called loyalty in the place of the glorious revolutionary principles which deposed James for his arbitrary conduct, and seated William on the throne, as the means of protecting their outraged liberties. Orange principles are now characterized by a strange combination of attachment to arbitrary Tory principles, as illiberal as those of the staunchest adherents of James, and a cry against popery, which only means with them, an attempt to support an exclusive monopoly of Protestant ascendancy in their own favour. William with some defects principally arising from

means; in consequence of which, a requisition was signed by many respectable inhabitants of Belfast, to Mr. Verner, the Sovereign, to call a meeting, for the purpose of taking into consideration the causes which led to the riot, and of guarding against the recurrence of such outrages in future. In consequence, the Sovereign did convene a meeting on the 28th of July, prior to which, several rioters had been taken up, whose trials were to come on at the ensuing Assizes; in consequence of which, the meeting was adjourned, at the suggestion of Mr. May, till the 18th of August ensuing. This was done in full confidence, that at the subsequent meeting, effectual measures should be adopted for preventing such outrages in future, although from what followed, it is doubtful how far he was sincere. Subsequently the trials had taken place, and several on both sides had been convicted. On the morning of the 18th August, a handbill was circulated, reminding the inhabitants that the adjourned meeting would be held that day. Many people accordingly, of all classes, assembled in the open part of the Exchange. Mr. Verner and Mr. May, and others, had formed a resolution that the meeting should not go on; a proposal was then made to adjourn it to the Brown Linen-Hall, but that was not permitted, Mr. Verner stating, that in consequence of the decision of the Judge of Assize, it was improper to go into any further discussions of the business, and dissolved the meeting, which Mr. Holmes contended, he had no authority to do; and this he asserted under the eye of the court, which was competent to correct him, if in error; it was a violation of the law of the land in Mr. Verner to prevent the discussion, by the inhabitants of the spirit of the times and the difficulties artfully thrown in his way by a ministry, many of whom, were the dregs of the former reign, and who had turned from dishonourable motives, to worship power wherever placed, did much to restore the principles of liberty, which the arbitrary principles of the Stuarts had nearly destroyed. The genuine Whigs of the present day, respect him for the good he did, although they censure his wrong acts. The question of religious freedom is dearer to them than any name. Tories now hypocritically affect to venerate William, but prove by their conduct, that they are not friends to the principles of liberty.

Belfast, of a public transaction of that nature. There was no indication of riot or disturbance at the meeting. Mr. Verner having declared the meeting dissolved, Mr. Tennent addressed him with great respect, calmness, and propriety, and stated that the opinion of a Judge was no reason why the inhabitants of Belfast should not meet to discuss such matters; and in his professional character, Mr. Holmes confirmed the accuracy of Mr. Tennent's sentiment; and said Mr. Verner's interpretation of the Judge's opinion, was a misconception of his meaning. The object of the meeting was not to decide upon any point which came under consideration of the Court of Assize, but merely to devise the means of preserving in future the tranquillity of the town; therefore there was nothing incompatible with the sentiments of the Judge, in the intended proceedings of that meeting. He fully adopted Mr. Tennent's sentiment, that the opinion of a Judge, which, however entitled to respect, was extra judicial, could not govern the discussions of such a meeting as that. Mr. Holmes stated that Mr. May replied to this by saying, "Such, Sir, are the sentiments I should expect from you or your brother." Mr. Tennent had not then addressed a word to Mr. May; he was standing near him. Mr. Tennent stepped a little forward, and put his left hand on Mr. May's arm and said, "Beware, Sir, how you express yourself respecting my brother, who is absent." Mr. Holmes stated, that Mr. Tennent had a habit of laying his hand on a person's arm, when wishing to arrest attention.

It was for the Jury to consider, whether in that act he did mean to assault Mr. May, or if he laid his hand on him for a different purpose? *Touching a person is no assault unless done with an hostile intention.* If the gentlemen on the other side say that Mr. Tennent did assault Mr. May are they prepared to admit that Mr. May had so far forgotten his character and situation as a Clergyman and a Magistrate as to have offered an insult to Mr. Tennent, and thus to have outraged his feelings, that it was in consequence thereof that he was provoked to commit an assault? If so, said Mr. Holmes, they dismiss my client out of court with honour and character, but they brand their own client with disgrace. Is it not improbable that Mr. Tennent in presence of the Sovereign and of his townsmen, should make a pub-

lic assault on Mr. May? None who know him would think so of him, although no Clergyman, he has a character of which any Clergyman might be proud, and he never steps out of his sphere, unless it be to do acts of benevolence. He is not a beneficed Clergyman, yet he does those acts of which no beneficed Clergyman need to be ashamed, and of which some are not found in the practice.

The learned counsel then went on to state, that on Mr. Tennent laying his hand on Mr. May's arm, the latter said, "Do not touch me, Sir! if you touch me, I will commit you to the Black-hole!" This was the reply of irritation, prejudice or passion from one who seemed to think the words of Mr. Tennent were poison, and his touch contamination, but not of a man conscious of having received a violent assault. Mr. Tennent then replied, "That is a stretch of authority, Sir, to which I think you will hardly resort." Mr. May then seized Mr. Tennent, tore open his waistcoat, and gave him into the custody of some constables in waiting. Mr. Tennent submitted to this violation of the law; and he was dragged like a felon, in the face of day, through the streets of Belfast, in the presence of his friends, to a place of confinement, until examinations were drawn against him. Mr. May acted in his own case, he did not appeal to the Sovereign for redress, which Mr. Holmes said, indicated a mind actuated by other motives, besides those which would naturally arise from a sense of being unlawfully assaulted; and he could state other motives that might influence the conduct of the defendant against the family of the plaintiff. He then noticed a money transaction which had taken place between William Tennent and the defendant in 1811, and which might account for Mr. May's violent conduct on the present occasion. Mr. Tennent was confined for two hours, while Mr. May was preparing examinations. Mr. Skinner and Mr. Stewart proposed to become bail for him, to which Mr. Tennent consented, and entered into recognizance to take his trial at the ensuing Sessions; when Mr. Tennent was found guilty upon the evidence which then appeared, after the Jury had deliberated thereon for four hours. The case could not be very clear, which required twelve Jurymen on their oaths to deliberate four hours on it. The verdict of one Jury was entitled to respect by another, if trying the case on the same

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evidence; yet we well know, that the decision of one Jury was often revised, and sometimes reversed by another, when fresh evidence can be adduced. If this was not the case, the trial by Jury would be often an injury. The present Jury were called upon to decide upon the evidence which should come before them this day. They would possess advantages which the former Jury could not have. He did not intend to say any thing disrespectful of the Assistant Barrister who presided at the Sessions; but the Judges of the superior Courts were qualified to lay down the law in a clearer point of view than it could be expected at a Court of Quarter Sessions. Mr. Holmes concluded a very able speech, by stating his full conviction of the illegal imprisonment of Mr. Tennent.

Robert Bradshaw, esq.; attended meeting of inhabitants of Belfast, on 18th August, 1813. Some gentlemen had previously framed some resolutions, to be proposed by Mr. J. S. Ferguson, and to be seconded by witness; they were considered to be conciliatory. Witness staid only till a motion was made to adjourn to the Linen-hall to which he went. Witness signed the requisition to hold the meeting; it was perfectly quiet while he remained there. He has known Robert Tennent for a long time, probably eight years, and considers his manner of laying his hand, was a common habit, which he frequently practised, and which he did not conceive was in the nature of an assault, nor intended as such.

Robert Getty, esq., was present at meeting of 28th July; did not sign the requisition for it; no resolutions were moved at it, in consequence of a motion made by the Rev. Mr. May, who proposed an adjournment on account of the approaching Assizes; was also present at the subsequent meeting; saw Mr. Verner, Mr. May, and Mr. Tennent there; was very near them all, at the Sovereign's right hand; the Sovereign observed it was a very extraordinary meeting; witness replied there was not the smallest appearance of riot or disturbance; the Sovereign proceeded to detail the events of the late trials, and considered that by them the intended objects of the meeting had been attained already, and therefore should dissolve the meeting, which he thought was now unnecessary. Mr. Robert Tennent then made some observations, saying, he did not conceive the decisions of the court on those trials had any thing to do with

the objects of that meeting. The Rev. Mr. May replied to this, and made some allusions to Mr. Tennent's family, saying, "he and his brother, and others of like sentiments produced a disturbed state of the public mind." Mr. Tennent reached out his hand, and laid it in his usual manner on Mr. May's arm, and said, "Beware, Sir, how you speak of my brother, who is not present." Thinks it was his left hand; believes he had a walking-stick in the other hand; he always walks with one; Mr. Tennent did not appear either angry or disturbed; the tone of his voice was not angry; he did not *seize* Mr. May, but laid his hand on his arm; could not have "shaken him violently" unknown to witness; has known Mr. Tennent many years; [here the opposite counsel objected to a question as to Mr. Tennent's previous character which the Judge allowed to be inadmissible]—Mr. May said indignantly, "Don't lay your hand upon me;" does not recollect any more conversation; Mr. Tennent was then taken into custody, by direction of either Mr. May, or Mr. Verner, and witness saw him dragged from the Exchange, but did not follow him. Mr. Tennent made no resistance whatever.

Cross-examined by Counsellor Dunn; was present at first meeting; does not remember if Mr. Tennent opposed the adjournment. Witness himself opposed it; and Mr. Tennent might have joined in it.

Q. Don't you think that the violence which took place on the part of Mr. Tennent to Mr. May was the result of Mr. Tennent's feelings being hurt? A. I do not consider any violence was offered, but Mr. Tennent's feelings might have been and probably were hurt, by his expressions concerning his brother. Cannot judge of the force applied by Mr. Tennent's fingers to Mr. May's arm. He certainly must be the best judge of what he felt, but I am equally competent to judge of what I saw. Was a witness and examined on the former trial for assault in this case.

John Charters was present at the second town meeting; Mr. Verner, Mr. May, Mr. Tennent, and others were there; it was in the lower part of the Exchange, witness was one or two paces from them; could see all that passed; when the Sovereign said he would dissolve the meeting, Mr. Tennent said he thought the decision of the Judge had nothing to do with that meeting; Mr. May replied to this, and Mr. Tennent stepped a pace forward and

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said, "beware how you speak of my brother, who is not present," and reached his hand forward; Mr. May desired him to stand off, and said, "if he laid his hand on him again he would commit him to the black hole. Mr. Tennent did not touch him again; saw Mr. May then take hold of Mr. Tennent by the breast; a number of people at his back rushed forward, Mr. Tennent was then taken into custody; he made no resistance.

Cross-examined by Mr. Blacker. Curiosity took him to the meeting; there was a great crowd there. Sometimes there was a bustle. Mr. Tennent stepped forward to lay his hand on Mr. May two steps for the purpose of arresting his attention. Saw some notes of the transaction made by Mr. McAdam in Ramsey and Garrett's office; Mr. Tennent was there; witness went there to state what he knew of it; Mr. McAdam was there also; witness read his notes of it, for he said it might bring things to his recollection, but they did not remind him of any thing he did not know before; does not recollect anything Mr. Tennent said on that occasion, it had no influence on witness as to his evidence now given. He has not compared notes since the former trial in this case. Thinks Mr. Tennent did not appear angry, at least not from his action. He supposes he was not well pleased but does not think it amounted to anger. Mr. May was looking about him and was not paying attention, and it was necessary to arrest his attention; does think Mr. Tennent laid his hand on Mr. May, for the purpose of arresting his attention; did not see him shake Mr. May, nor does not think he did shake him. He might have pressed him. Mr. Verner had not as good an opportunity of seeing as witness, thinks therefore he can give a better account than Mr. Verner. Being asked by a juror if Mr. Tennent appeared angry, he replied he did not appear by his action to be angry.

William Tucker recollects the second meeting held in August; was present at it; saw Mr. Verner, Mr. May, and Mr. Tennent there; heard Sovereign make some observations about dissolving the meeting; he said, the case had been already before a higher tribunal, and hoped no person there would go against the opinion of the Judge; Mr. Tennent said, he thought the opinion of the Judge ought not to govern the proceedings of that meeting; Mr. May said, "I don't doubt but that

may be your opinion and your brother's also;" Mr. Tennent replied, "Beware how you speak of an absent person," and at the same time laid his hand on Mr. May's arm. Mr. May said, "stand off, don't touch me!" and after a momentary pause, he said, "You assaulted me," sprang forward, and seized him, and ordered him to be committed to the black hole. He considered both the action and words of Robert Tennent, as the natural effect of remonstrance; saw a constable seize Robert Tennent, who was dragged into a crowd out of his sight.

Cross-examined by Mr. Scriven. Was near the parties; heard of a handbill informing the public of the intended meeting of that day; supposed it was designed to give notice of the meeting to the town at large; there was a number of the lower class of people there, but they were very respectable; the meeting was orderly until disturbed by the seizure of Mr. Tennent; never knew of any riot at a town meeting; there was previous applause, and also disapprobation, which was quietly expressed, such as was expressed by the plaintiff; after Mr. Tennent was seized, a number of persons cried, "Rescue him;" others said "Don't rescue him, let the law take its course;" there was no rescue; does not recollect any hissing or groaning; did not form any opinion to which brother Mr. May alluded, when he mentioned him to Mr. Tennent; does not recollect having heard at the time of the second meeting of Mr. Sam. Tennent's being indicted, and a bench warrant being out against him; did not hear, nor does not believe Samuel Tennent was a ringleader in the mob; Mr. May advanced about three feet to seize Mr. Tennent; Mr. Tennent had previously advanced to lay his hand on Mr. May's arm, and retreated again; can't pretend to say what Mr. May's feelings were; witness is of no political party; never took an illegal oath; and never belonged to any society which required such; cannot say what are the political sentiments of Mr. Tennent or his brother, as he was not in habits of intimacy with them; never met any of those gentlemen in private company; only met them in the street and public places; always understood the political sentiments of the Tennents were liberal: when Robert Tennent laid his hand on the defendant's arm, considered the action and words were remonstrative; and the action as involuntary

as that of the Counsel who was examining witness. When Robert Tennent mentioned the opinion of the judge, understood him to say that the proceedings of that meeting and the opinion of the judge were for separate and distinct objects; for that reason the opinion of the judge ought not to influence or guide the proceedings of the meeting, or words to that effect.

Mr. Dunn proceeded to state the defendant's case. He observed, that he was called upon to perform a task which had not fallen to the lot of any other counsel, namely, after a culprit has been convicted, to come forward with his declaration, and to attach a sum of £5000 to that declaration, and to punish in the purse the man who had justly punished him with a prison. He appealed to the experience of the counsel who heard him, and to that of the learned judge who also heard him, if ever a case of this kind came before them. He must, in some degree, go out of his intended track, to defend his client. He was not come there as the advocate of Orange processions; but he would say, that while they conducted themselves peaceably, and while they supported the laws and constitution of the country, they were entitled to the praise and approbation of every loyal man in the country. Who that loves his king, or that holds dear those principles founded on the 12th of July, but must respect these men? Loyal men were put upon their defence to protect themselves from a set of ragamuffins whose nice feelings were indeed hurt by such proceedings. Loyalty is a thing they do not like, and the excess of it they cannot bear.* These men's feelings were in opposition to the glorious accession of the house of Hanover, the foundation stone of which was laid on 12th July; and their feelings were in support of the claims of James the II.

* Stay, gentle Counsel with all this rant. Again and again this miserable pitiful plea of loyalty is brought forward as an atonement for bad deeds and illegal proceedings. It is a bad cause which so often compels its advocates to shelter themselves and their partisans under this thread-bare and worn-out coat of pretended loyalty. It is a wretched subterfuge. Not even the characteristic vehemence of gesture, and of voice, by which this

who was put down in this kingdom on the ever memorable 12th of July. Mr. Dunn next took notice of the circumstance of Mr. Tennent's brother having been concerned in the mob of the 12th of July, and for which he was to be brought to trial. Thus there appears a strong reason why he interfered on the present occasion, though, said Mr. Dunn, it would with a prudent man rather have operated and induced him to have absented himself. But he seems to have considered that it would be a most important event in favour of his brother, if he would procure a flowing sentiment from a public assembly of Belfast, to set up in his brother's defence; and yet when that brother is brought forward for trial, he offers a plea in abatement against a gentleman of the most respectable character, who had often before been upon the grand jury of the county. That gentleman however, is found to be a freeholder, the plea is decided, and the person who offered it is found guilty, but then he goes out into the world as if he had not been found guilty upon the merits of the case, but merely by the forms of law. As to the meeting of the 18th of August, it was certainly intended that it should consist of those who were originally called upon, and these were the principal inhabitants of Belfast; but early in the morning the tocsin was sounded, a handbill without any name was circulated, and every ragamuffin was invited; every lane poured forth its inhabitants, and then it was proposed to adjourn to the Brown Linen Hall, to give them room enough. Convening

counsellor is so distinguished can give weight to this fallacy of substituting a trading loyalty instead of peaceable obedience to the laws. Counsellor Dunn has completely identified himself with the Orange faction. He certainly showed greater congeniality of feeling on this occasion, than in his manner of prosecuting Orangemen last year for their attack on those he chooses to designate as ragamuffins, but whose cause he was engaged to support on the former occasion. Were not the Orangemen who walked in the procession equally ragamuffins? The difference between the principles of modern Orangemen and the consistent friends of the revolution of 1688, is pointed out in a preceding note.

such an assembly, in such a manner, was laying aside all authority and all law. The Sovereign, who was responsible for the peace of the town, foreseeing that mischief was likely to ensue, very wisely and properly determined to dissolve it.*

The learned gentleman on the other side has argued that he had no authority for dissolving it, but your lordship will, I have no doubt, be of opinion that in what he did he acted according to law. Will it be maintained that when the sovereign, at the request of eight gentlemen of Belfast, agrees to call a meeting of the principal inhabitants, and afterwards finds that those who attend are not of the description of those who were called, will it be maintained that he is not justifiable in dissolving it? We live in a period of the world when alarming opinions and doctrines have been disseminated and acted upon. I have, said Mr. Dunn, had the honour of appearing as counsel for the Chief Justice, when he was attacked in a similar manner for the due discharge of his public duty; and the question now in court seems to be a chip of the same block. Here is the Sovereign of Belfast brought into court because to prevent a scene of riot he dissolved this meeting. Mr. Tennent addresses the president, after there could be no president, for the meeting was dissolved; and he proceeds to tell the meeting that the opinion of the Judge should not have any effect upon

their proceedings. Was this language to be held to such an assembly of ragamuffins? Could any more mischievous doctrine be taught them? The question for them to decide upon would next be, which is the most constitutional law, that which has been promulgated by the Judge, or that which has been taught by Mr. Tennent. I have heard with pain an allusion made to the pride and vanity of the Clergyman and the Magistrate; but I cannot discover how either of them could be hurt in respect to his personal feelings upon the occasion of this meeting; but the feelings of the Clergyman and the Magistrate could not fail to be hurt indeed, when he perceived an attempt made to overturn and throw disrespect upon those laws which he was bound to support; and the real interpretation of his language to Mr. Tennent was this: "You, Mr. Tennent, should of all men not attend here to-day; your brother is under the hands of the Judge, a bench warrant being out against him." But regardless of this admonition, he embraces all the influence of the mob of Belfast, so far as it might go to carry his brother through his trial with triumph. The gentlemen on the other side has told you of some money transactions between Mr. William Tennent and my client, but this is merely to take off your attention from the convicted brother. The verdict of the inferior Court which you are now called on to review was not hurried; it was deliberately formed after four hours consultation. The Jurymen were most respectable; they were upon their oaths, and after their decision, you are now called on to determine in favour of the person who has already suffered the punishment which was pronounced in consequence of that verdict. But you will not be easily persuaded to do so, but will rather find it your duty to confirm and support the opinion they formed.

DEFENDANT'S EVIDENCE.

Earl of Massereene was near the place of meeting on 18th August, but could not get in conveniently. Was called on in the morning by Mr. Verner, and Mr. May, who said they feared it would be a tumultuous meeting, and on consultation they agreed it would be advisable to dissolve the meeting. The crowd was too great to meet in the Exchange Rooms. The assembly was composed of people of all descriptions. Staid there till Mr. Tennent was brought out; witness accompanied him to the Sovereign's office; went as a

* If the inhabitants of a town cannot meet to consider of affairs of the highest importance, without the intervention of a chief magistrate, the essential interests of liberty are injured and suspended. It is not pretended that a riot had taken place; the idea of preventing one by dissolving the meeting is absurd in the extreme, and at once leads to a subversion of free discussion. Prevention before any cause is given, is always the plea of the tyrant, and affords one of the plausible pretexts by which despotism so frequently triumphs over freedom. The law holds a different language. Some illegal overt act must be committed, before a meeting can be dissolved. The Sovereign made use of no exertions to dissolve the previous meeting of Orangemen, whose processions caused the riot on the 12th of July. Is this impartiality? Why did he not take care of the peace of the town when it was actually disturbed?

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Magistrate; a great crowd followed. Mr. May lodged examinations against Mr. Tennent, which witness took. Mr. Tennent wanted to lodge counter examinations against Mr. May, and began to write for that purpose. Mr. Tennent, after proposing to give in bail, declined it again, and on coming to the words in the recognizance of being indebted "to our Sovereign Lord, the King," he objected, saying, he did not owe to the King any thing; but afterwards at the instance of Mr. Skinner and Mr. Stewart, consented to give bail. Mr. Tennent spoke of Mr. May having reproached his brother, when Mr. May informed him it was not his brother William but Samuel he alluded to; Mr. Tennent staid nearly an hour in the Sovereign's office, but he might have gone away in a few minutes if he had been so disposed; witness himself told him he might go when he pleased, and might come to him at his convenience to give in bail.

Cross-examined by Counsellor Holmes. Did not state on his former examination at Antrim any thing relative to Mr. Tennent's speech about not owing the King any thing, because he was not asked; *does not say there was a riot*, but there was a large assemblage of the lower orders; heard a cry of rescue him, but no rescue took place: just after Mr. Verner spoke, he heard a hiss. Mr. May and Mr. Verner went to the meeting with the intention of dissolving it. Mr. May communicated every thing to his lordship. thinks the most respectable people were with him outside the Exchange; the Brown Linen-hall was certainly more convenient for such a mob; went in consequence of an arrangement to prevent riot. Mr. Tennent was brought out in custody by Mr. May, and detained about an hour.

Thomas Verner, esq., is Sovereign of Belfast; remembers riot in Belfast 12th July, 1813; it was violent and dangerous; was applied to call a meeting of inhabitants, which took place on 28th July; it was adjourned; Mr. Tennent was present at it; Mr. Getty and Mr. Tennent opposed the adjournment, but it was finally carried. This was before the Assizes; a day was fixed for a future meeting after the Assizes; saw a printed notice of the meeting issued that morning; it was anonymous, and unauthorised by him; witness attended meeting after one o'clock; witness had the key of the room where the

first meeting was held; a large mob was assembled in the open front of the Exchange; after saying a few words expressive of his reasons for so doing, witness dissolved the meeting. Witness then saw Mr. Tennent there; Mr. May and he were both near witness. Mr. Tennent said, witness "certainly could not dissolve it, nor was the opinion of any Judge to govern that meeting." Witness replied, that might be his opinion, but certainly was not his (the Sovereign's,) and he conceived himself authorised to dissolve the meeting, and having done so, he could hear no more. Mr. May then interfered and said, he did not expect to hear any other language from him or his brother. Mr. Tennent then said, "how dare you say that of my brother who is not present?" and advanced towards Mr. May, who said, "Don't touch me, Sir, I came here and am acting as a magistrate; if you touch me I will commit you." Mr. Tennent stretched out his hand, but did not then touch him; but immediately after he stretched forward again, and laid his hand on Mr. May's arm, and pulled him. Mr. May then said, "This man has assaulted me, and I will commit him." The constables then took him, and they went down to witness's office.

Cross-examined by Counsellor Perrin. Thinks the object of the gentlemen who moved for the Meeting was to suppress party spirit, and conduce to the peace of the town; did not hear the intended resolutions read; (first resolution now read to witness;) could not form a belief whether it was the intention of any gentleman to move that resolution; it was very possible and very probable; thinks it was their object to suppress Orange processions. *Witness was present at such a procession on the 12th July preceding; he had no wish to discourage those processions*; thinks he did his duty to dissolve the meeting on 18th August; there was no riot at it; some bustle arose from Mr. Tennent being arrested; took some constables to the meeting; thinks the mob assembled in consequence of the anonymous hand-bill. Witness resisted the proposal of adjourning the last meeting to another place; thought Mr. Tennent's speech animadverted on the Judge's opinion, and that it was of a dangerous tendency, which he thought it his duty to oppose.

Stephen Daniel, remembers meeting of 18th August; was present there; was near Mr. Verner and Mr. May; Mr. Ten-

hent was on the right hand of Mr. Verner, and Mr. May on his left. Mr. Verner stated his reasons (as before mentioned) for dissolving the meeting. Mr. Tennent said he did not consider the opinion of a Judge, and the decision of a Jury, should have any effect on the meeting, or words to that effect; Mr. May replied, that might be the opinion of Mr. Tennent or his brother, but certainly he would abide by the opinion of the Judge. Mr. Tennent then laid hold of Mr. May; he seemed to be very angry, and Mr. Tennent was then arrested and taken away. Mr. May first said, "If you don't let me go, I will commit you."

Cross-examined.—Was an Orangeman; is not one now, but is a very loyal man; went to the meeting in consequence of the anonymous hand-bill, but without intention of making riot. Mr. Tennent had a stick; he was leaning on it when he first saw him; does not know which hand he laid on Mr. May.

Mr. Gilmore, on behalf of the plaintiff, addressed the Jury. He observed, that the government had judiciously vested the preservation of the peace in this country in the magistrates; but it was their province to guard the laws and constitution of the empire, and to see that what is intended as a shield, should not be converted into a sword to wound, instead of preserving the peace of society. If there was any particular case wherein they were called upon in a more especial manner to guard the rights of individuals, it was when the magistrate managed his own cause, and particularly when irritation evidently actuated the conduct of the magistrate. Setting aside all that had been said about ragamuffins and their *feelings*, the simple question for their consideration was, the intention of Mr. Tennent, whether to commit an assault or not? And he must observe that he thought Mr. Tennent's words had been very greatly misinterpreted; he contended they could have no such meaning as had been applied to them. Examining them in all their bearings, he was of opinion they amounted to no more than this—"The act of the Court, which was retrospective, did not act upon what was to come, it referred only to the past transactions." The gesticulation ascribed to Mr. Tennent in this case was perfectly habitual to him. An assault did not consist alone in force employed; a threatening attitude might constitute an assault. Mr. Tennent had a stick in his hand; had he intended either

insult or injury, it would have been natural to him to have raised and brandished his stick, but he did no such thing; he merely laid his hand gently on the arm of Mr. May, whose prejudice has warped his perception to put a different construction on the transaction from what unprejudiced bye-standers did. And he did not think it assuming too much, to suppose that Mr. Verner, standing in the situation which he did, might be warped by the same kind of prejudice. Mr. Verner had differed in his statement of the words used by Mr. Tennent, from the evidence of several other persons, who had said they were "*beware how you speak of my brother*," &c. but Mr. Verner states them to be, "*how dare you speak so*," &c. This he admitted might readily arise from the similarity in sound of the two expressions; but he considered it as a kind of proof, that Mr. Verner's mind was in a degree agitated at the time. He concluded a very able speech, by observing, that it was by no means unusual for one Jury to revise and even to reverse the decisions of another, a right, which they were fully competent to exercise,

The Judge then charged the Jury in nearly the following terms:

Gentlemen of the Jury.—This is an action for damages brought by Mr. Robert Tennent, against the Rev. Edward May, a magistrate and clergyman, wherein the plaintiff seeks to obtain restitution for false imprisonment; it is the peculiar anxiety of our courts to encourage juries to give ample damages, where magistrates are guilty of any improprieties; but gentlemen, having said so much on behalf of the plaintiff, you are not to suppose this is such a case, and I should ill discharge my duty to the public if I did not state, that this is by no means such a case. It has been truly stated by Mr. Dunn, that this is an action of the first impression. In all my practice at the bar, experience as a judge, or indeed in all my reading I have never heard of such an action as the present; an action where a convicted breaker of the peace comes into court, to seek redress for the imprisonment resulting from the very offence of which he had been convicted, and for which he was punished, and tries to establish a claim for damages. You may form some idea of the situation in which Mr. Tennent now stands by what he would have been in, had he been acquitted of the assault; he must not only have proved

that the arrest was a malicious one, but, he must also have clearly established that there was not the slightest grounds for it, or he would have been nonsuited at once. The law looks carefully and with suspicion on any person first convicted, who then comes to look for compensation by damages. I cannot say such an action will not lie, but I will say it ought to be as clear as the sun, that no assault has been committed to justify reversing the decision of a former jury, and of another court; and to give compensation in money, for the confinement which arose from an assault, of which the party had been clearly convicted. If they were fully satisfied however, that no assault was actually committed, it certainly was their duty to find a verdict for the plaintiff, and give him damages. A great deal has been said about a judge giving an extra judicial opinion, but I shall take care I will not give an opportunity for comment on what I shall say. I will not make any allusions to the twelfth of July, or to the meetings held after that day. It was the duty of that judge before whom the business was investigated to deliver such sentiments and opinions as he thought proper.

The town meeting held in July was very properly adjourned, and the observations of Mr. May were perfectly correct; as no man shall dare to try a cause which is afterwards to be brought forward before a judge and jury; indeed had that meeting proceeded, and by their resolutions prejudged the cases that were afterwards to be brought for trial, it would have been held as a contempt, and highly punishable; for what would become of courts of justice were such proceedings to be tolerated? They would strike at the root of justice, and that which is the most valuable part of the constitution would be destroyed. The jury must be kept free from all influence; they must come into court with their minds as pure as a sheet of white paper, without the smallest impression. Indeed I cannot see the use of discussing what processions are illegal, and what are not, and I would advise some persons to abstain from all such discussions, and leave to government to decide what processions are illegal. Had the second meeting been continued, from the complexion of that assembly, and judging from what little did take place we might have expected to have heard the opinion of the bench arraigned, the judge pronounced ignorant, and the jury corrupt. Had they presumed to have done so, had they

proceeded so far, they would have been guilty of a libel, and subjected themselves to severe punishment. I would therefore, said his lordship, caution all persons to beware of any attempt to do so. Mr. Holmes has stated that the sovereign had no authority to dissolve the meeting, but I must flatly state the contrary. I assert without the fear of contradiction, that he was bound to dissolve that meeting, and say it was his bounden duty to do so, and if he had not done so but remained there, and mischief ensued, his majesty's Attorney General would have felt it his duty to make him responsible. But in determining to dissolve it, he did not act rashly, but took the opinion of Lord Massereene and other magistrates. He then stated to the meeting his reasons, and having dissolved it, it was the duty of every person there to bow to his authority. I will protect the proper liberties of the people, and in so doing I will declare that Mr. Verner was right in all he said and did; the plaintiff thought otherwise; and if he said what was imputed to him it was a rash and most unwarrantable expression; a very rash thing indeed to say of a judge and jury; and which every well affected subject in the land was bound to resent and repel. It has been too much the practice in modern times to arraign the law, the judges and the juries, but those men who would thus attempt to undermine the constitution, by bringing into disrespect the courts of justice, shall ever meet my most pointed reprobation. His Lordship next proceeded to observe on what had been stated, as to the motion of the plaintiff's hand being involuntary and habitual, and remarked that if it was so, it was a very extraordinary one, and something like the movement of a Chinese figure. If indeed as one witness had stated the motion of Mr. Tennent's hand was an involuntary one, as that of a paralytic man, it was assuredly no assault; but it appears the evidence is by no means clear on behalf of the plaintiff, that no assault was given. But Mr. Verner said the plaintiff seized Mr. May's arm, and pulled it, and the evidence goes to shew that he was irritated. His lordship said a very few words respecting the former verdict having been obtained in an inferior court, but it was nevertheless entitled to full respect, and it was highly improper to suffer any other idea to go abroad. These courts his lordship added, were extremely beneficial to the country. The barrister who presides must be of six years standing, so

that by his experience he is fully qualified for the right discharge of the duties of his office.

Counsel for plaintiff, Messrs. Holmes, Gilmore, and Perrin. Agents, Messrs. Ramsey & Garrett.

Counsel for defendant, Messrs. Dunn, Blacker, and Scriven. Agent, Mr Thomas Stewart.

The question in this business as to matter of fact certainly is, did the touch of Robert Tennent given in his usual manner without any violent expression constitute an assault? On this point it is understood that the jury, on their first retiring were divided nine to three, as to its not being an assault, and that one of the jury positively declared from a long personal acquaintance with the plaintiff, he knew that it was his manner, and that he did not consider such an act in him constituted an assault. Yet ultimately the jury concurred in bringing in a verdict for the defendant with 6d. costs, after an attempt at compromise to divide the costs, which the judge informed them was not within their province.

The great constitutional question re-

mains still at issue. Had not the inhabitants of Belfast a right to meet for the purpose of discussing proceedings by which the peace of their town had been materially disturbed? It is neither libellous, seditious, nor treasonable to doubt the infallibility of a judge, and the previous trials at Carrickfergus could only have reference to the guilt of the individual's who were tried, and not to the merits of the general important question which the inhabitants of Belfast met to consider, what measures were incumbent on them to take to free themselves from the danger of Orange processions disturbing the peace of their town. The resolutions did not censure the proceedings of any law court, but were calculated to discourage practices in future, which had so recently led to shocking outrages. In a free country, the people have more to do with the laws than merely to obey them. It is their right to watch over the administration of the laws, and to complain of grievances when they exist. According to Bentham, it is a duty "to obey punctually, and censure freely."

MONTHLY RETROSPECT OF POLITICS.

THE occurrences at the late Assizes in the South, especially in what is called the Leinster circuit, including the counties of Tipperary and Waterford in Munster, and of Kilkenny, Wexford, and Wicklow in Leinster, are far from confirming the statements recently made in Parliament of the general disturbed state of Ireland, as laying a pretext for the acts lately passed. By these acts, at which most of our Irish members connived by their absence, or promoted by their presence, the patronage of government is greatly increased by the powers granted to appoint police magistrates in proclaimed districts, while in these districts the offence of being out of the house after sunset and before sunrise without accounting for the

occupation of time, is punishable by transportation, without the intervention of trial by jury. It is preposterous to talk of our Irish outrages, without examining into the causes leading to them. It cannot be denied that many excesses have been committed by the unenlightened and ill instructed peasantry. But various causes contribute to produce this unhappy tendency to riot and disturbance. Many talk of English loyalty and English sobriety and contrast them with the state of Ireland. If it were not worse than useless to contrast vices for the purposes of extenuation, and thus lowering the general standard of moral rectitude, a large catalogue of English outrages might easily be enumerated, and the de-